

# EXHIBIT D

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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JIMMIE HARDAWAY, JR., et al.,

Plaintiffs,

Case No.: 1:22-cv-771

v.

KEVIN P. BRUEN, et al.,

Defendants.

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**DECLARATION**

I, Bishop Larry A. Boyd, hereby declare under penalty of perjury, that the following information is true to the best of my knowledge and state the following:

1. I am over 18 years old. I am competent to give this declaration. I am providing this declaration based on my personal knowledge and experience.

2. I am a citizen of the United States, and a resident and citizen of the State of New York, currently residing in Buffalo, New York. I am a current member of Firearms Policy Coalition, Inc., and the Second Amendment Foundation.

3. I am the founding Pastor and Teacher of the Open Praise Full Gospel Baptist Church. I first received my license to preach in 1976 and I was ordained in 1980. After starting my preaching at Macedonia Baptist Church in May 1980, I felt the call to form a fresh new ministry by founding Open Praise Full Gospel Baptist Church. We opened our doors in September 1991.

4. As Pastor of Open Praise, I have the responsibility to establish the Church's policies and procedures, including its policies regarding concealed carry of firearms on the church premises.

5. I am not prohibited under state or federal law from acquiring or possessing firearms or ammunition.

6. I am currently licensed to carry a handgun pursuant to New York law with a license issued by Erie County.

7. On July 1, 2022, the State enacted S51001, which implements expansive new criminal laws that ban the carry of firearms in so-called "sensitive locations." Among the new "sensitive locations," New York designated "any place of worship or religious observation" as a place where ordinary, law-abiding citizens can no longer carry firearms. N.Y. PENAL LAW § 265.01-e(2)(c) (together with related regulations, policies, practices, and customs implementing N.Y. PENAL LAW § 265.01-e(2)(c), the "Place of Worship Ban")

8. Prior to the enactment and enforcement of the Place of Worship Ban, I would consistently carry a firearm on Open Praise's premises for self-defense and to keep the peace. I also established a policy at Open Praise in which duly licensed congregants could carry as well. I would intend to keep carrying and to continue Open Praise's policy, but now I cannot because of the enactment and enforcement of the Place of Worship Ban. Instead, I have stopped carrying and so have our parishioners.

9. Open Praise, like many places of worship, prides itself on being welcoming to allcomers who wish to participate in services or join the church community. Even though I cherish

this policy, there is a risk to it. We are a small congregation, yet I will not always know who will walk in the door for services, and I will not know if these strangers come with violent plans. I am particularly worried about this because of the crime, violence, and gang-related incidents that occur in the Broadway Fillmore neighborhood of Buffalo, where Open Praise is located. I have frequently heard the “pop, pop, pop” of criminal gunfire on nearby streets.

10. The horrific murders in Charleston’s Emanuel African Methodist Episcopal Church in 2015 have only made my conviction to carry for self-defense and to keep the peace at Open Praise stronger. Since that tragedy, I have felt my church is also at risk. That is why I am firmly committed to defending my church to prevent anything like Charleston happening to our church community at Open Praise. Since I have been licensed to do so, I have carried on church premises because of my particular obligation as Pastor to defend the church. I would carry again but for the Place of Worship Ban and the threat of criminal penalties.

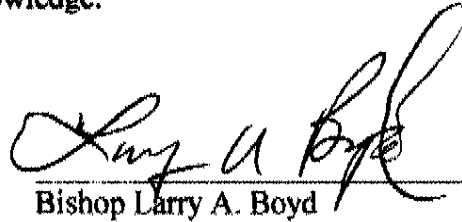
11. Prior to the enactment and enforcement of the Place of Worship Ban, I encouraged our parishioners to carry a firearm if they were licensed to do so. I am familiar with incidents at other churches where parishioners were able to intervene to defend themselves and their fellow congregants. Thus, I would continue to permit parishioners to carry on church property, but for the enactment and enforcement of the Place of Worship Ban.

12. Because of the Place of Worship Ban, I now have to disarm before coming to Open Praise. By having to disarm in order to comply with the Place of Worship Ban, when I would not otherwise do so, I am left without the ability to defend myself on Open Praise’s premises, I have been stripped of the ability to keep the peace, and I am suffering diminished personal safety every

time I go to church.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge.

Executed this 14th day of October, 2022.

A handwritten signature in cursive script, appearing to read "Larry A. Boyd", is written over a horizontal line.

Bishop Larry A. Boyd